

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**CARLOS D. LINDSEY,**

Plaintiff,

**-vs-**

**Case No. 16-CV-43**

**DR. STACEY HOEM,**

Defendant.

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**DECISION AND ORDER**

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The plaintiff has filed two identical motions to compel discovery. (ECF Nos. 17, 20.) He seeks an order directing the defendant to provide complete and direct answers to two interrogatories.

“Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). When determining whether discovery is appropriate, the Court considers “the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” *Id.*

A party may file a motion to compel discovery where another party fails to respond to interrogatories or requests for production of documents.

See Fed. R. Civ. P. 37(a)(3)(B)(iii) and (iv). The movant “must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Fed. R. Civ. P. 37(a)(1). The movant must “recite the date and time of the conference or conferences and the names of all parties participating in the conference or conferences.” Civil L.R. 37 (E.D. Wis.). The plaintiff may satisfy this requirement by writing a letter to the defendant in an attempt to resolve his discovery dispute.

The plaintiff does not state that he attempted to resolve his discovery dispute with the defendant prior to filing his motion to compel. Therefore, his motion is premature.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT** the plaintiff’s motions to compel discovery (ECF Nos. 17, 20) are **DENIED**.

Dated at Milwaukee, Wisconsin, this 7th day of July, 2016.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**